

TUESDAY, January 13, 1852.

The Senate was called to order by the President pursuant to adjournment—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Truit, chairman of the committee on Roads, Bridges and Ferries, to which was referred the petition of Lemuel Pope and others, reported a bill to incorporate the White Oak Bridge company in Titus county, which was read first time.

Mr. Taylor, chairman of the committee on Private Land Claims, to which was referred a bill for the relief of the heirs of Daniel W. Cloud and Peter J. Bailey; a bill for the relief of Joseph Bayless, deceased; and a bill for the relief of the heirs of James Goacher, senior, deceased, reported the same back, and recommended their passage.

Mr. Taylor, from the same committee, to which was referred the petition of Nancy Berryman, reported a bill for the relief of the heirs of John Norman, deceased, which was read first time.

Mr. Davis, from the committee on Internal Improvements, reported back to the Senate, a bill to incorporate the Vicksburg and El Paso railroad company, and recommended its passage.

Mr. Davis, from the same committee, to which was referred the petition of sundry citizens, asking an appropriation for clearing out the Sabine river, reported the same back, and asked to be discharged from its further consideration, as a general bill for the improvement of the rivers is now under consideration.

Mr. Davis, from the same committee, to which was referred the petition of Jesse Duren, reported the same back to the Senate, and recommended that no action be taken thereon.

Mr. Davis, chairman of the committee on State Affairs, reported back to the Senate a joint resolution requesting the President of the United States to demand of the Government of Spain the immediate release of Mr. Thrasher, and recommended its passage.

Mr. Davis, from the same committee, reported back to the Senate a bill to incorporate the town of Centreville in Leon county; and a bill granting relief to pre-emptionists, &c., and recommended their passage.

Mr. Davis, from the same committee, to which was referred the petition of N. McGaffey, reported a bill for the relief of Julia A. Sweet, which was read first time.

Mr. Davis, from the committee on Internal Improvements, to which was referred a bill to incorporate the Aransas and Goliad

Road company, reported the same back, and recommended its passage, with the following amendment :

Strike out the seventh section.

Mr. Davis, from the same committee, reported back to the Senate a bill to incorporate the Clarksville and Mount Pleasant Turnpike company, and recommended its passage, with the following amendments :

Strike out of the first section "twenty," and insert "thirty."

Strike out of the third section "twenty," and insert "thirty."

Mr. Bogart, chairman of the committee on Counties and County Boundaries, to which was referred a bill to incorporate the town of Mount Vernon in Titus county, reported the same back to the Senate, and recommended its passage.

Mr. Sterne introduced a bill to quiet the titles to land in and near Burnet's colony ; read first time.

ORDERS OF THE DAY.

A bill to amend an act, approved November 30, 1850, to amend the second and seventh sections of an act to organize the supreme court of the State of Texas, approved 12th May, 1846, together with the report of the select committee thereon ; read.

On motion of Mr. Dancy, the report was laid on the table, and bill taken up.

Mr. Dancy moved to lay the bill on the table ; lost by the following vote :

YEAS—Messrs. Bogart, Dancy, Eddy, Gray, Hill, Kinney, Parker and 'Truit—8

NAYS—Messrs. Bigelow, Burks, Davis, Doane, Duggan, Grimes, Hart, Merriman, Meusebach, Reaves, Scott, Sterne, Taylor and Wilson—14.

On motion of Mr. Taylor, the bill was indefinitely postponed.

Mr. Gray, by leave, introduced a bill to incorporate the Brazos Plank Road company ; read first time, and, on motion of Mr. Gray, the rule was suspended, bill read second time, and, on motion of Mr. Dancy, referred to the committee on Internal Improvements.

A bill supplementary to an act establishing the Galveston and Red River Railway company ; read, and, on motion of Mr. Dancy, re-committed to the committee on Internal Improvements.

A bill to incorporate the Texas Western Railroad company ; read.

Mr. Taylor moved to amend the 15th section by striking out "ten," in the second line ; carried by the following vote :

YEAS—Messrs. Bigelow, Burks, Duggan, Gray, Grimes, Hart, Hill, Meusebach, Parker, Reaves, Taylor, and Wilson—12.

NAYS—Messrs. Bogart, Dancy, Davis, Doane, Eddy, Kinney, Merriman, Scott, Sterne and Truit—10.

Mr. Eddy moved to fill the blank with "eight"; lost by the following vote :

YEAS—Messrs. Bogart, Dancy, Davis, Eddy, Kinney, Merriman, Reaves, Scott, Sterne and Truit—10.

NAYS—Messrs. Bigelow, Burks, Duggan, Gray, Grimes, Hart, Hill, Meusebach, Parker, Taylor and Wilson—11.

Mr. Dancy moved to fill the blank with "eight sections of six hundred and forty acres each"; carried by the following vote:

YEAS—Messrs. Bigelow, Bogart, Dancy, Davis, Duggan, Eddy, Grimes, Hart, Hill, Kinney, Merriman, Meusebach, Parker, Reaves, Scott, Sterne, Truit and Wilson—18.

NAYS—Messrs. Burks, Doane, Gray and Taylor—4.

Mr. Meusebach offered the following amendment :

"Provided, that no land shall be donated unless the company shall actually commence their road within one year, and actually complete and finish at least twenty miles within three years."

On motion of Mr. Wilson, the amendment was amended by striking out "one" and "twenty," and inserting "two" and "ten."

The amendment was then adopted.

On motion of Mr. Merriman, the Senate adjourned until 3 o'clock p. m.

3 O'CLOCK, P. M.

Senate met—roll called—quorum present.

A bill to incorporate the Texas Western Railroad company, being under consideration when the Senate adjourned, was again taken up.

On motion of Mr. Wilson, a call of the Senate was made.

On motion, the call was suspended.

On motion of Mr. Dancy, the bill was referred to the committee of the whole, and Mr. Dancy was called to the chair.

After some time spent in committee of the whole, the committee rose, and the chairman reported the bill back to the Senate, with sundry amendments, which report was adopted.

On motion of Mr. Bigelow, the bill was referred to the committee on Internal Improvements.

A bill to amend the third section of an act providing for the transfer of administrators to new counties, approved 13th May, 1846; read third time and passed.

Mr. Davis, from the committee on Internal Improvements, re-

ported back to the Senate a bill to incorporate the Brazos Plank Road company, and recommended its passage, with the following amendments :

Amend by inserting at the close of the 6th section : " Provided, the capital stock shall not exceed one hundred thousand dollars ; and the said road shall be commenced within two years, and completed within five years."

Amend section second, in eighth line : after " ferry," insert " or without the consent of the county court."

On motion of Mr. Davis, the rule was suspended, report taken up and adopted, and bill passed by a constitutional majority.

Mr. Taylor, chairman of the committee on Private Land Claims, to which was referred the petition of Silas M. Grace, made the following report :

SENATE CHAMBER, January 13, 1852.

To the Hon. J. W. HENDERSON,

President of the Senate :

The committee on Private Land Claims, to whom was referred the petition of Silas M. Grace, praying relief, having examined the same, find by corroborating testimony, with, or accompanying said petition, that he came to the Republic of Texas in time to entitle him to twelve hundred and eighty acres of land ; but the testimony is not sufficient to warrant your committee in recommending more than six hundred and forty acres, it being clear to your committee, as is shown by a transcript of the record of the county of Harrison as set forth in said petition, that he is entitled to that quantity of land, by virtue of his emigration and permanent residence up to the present time. They, therefore, report the accompanying bill for his relief, and recommend its passage.

M. D. K. TAYLOR, Chairman.

A bill for the relief of Silas M. Grace ; read first time.

Mr. Bigelow introduced a bill to incorporate the Brownsville Railroad company ; read first time.

A bill for the relief of the heirs of William H. Smith, dec'd ; read second time, and ordered to be engrossed.

Mr. Hill made the following report :

SENATE CHAMBER, January 13, 1852.

The committee on Public Debt, having had under consideration a bill to be entitled an act to extend the provisions of an act entitled an act to provide for ascertaining the debt of the late Republic of Texas, approved March 20, 1848 ; and considering fully the objects sought by, and the effects of the passage of the

bill, a majority of your committee have arrived at the following conclusions :

We believe it to be the desire of the Senate and the people of Texas, to pay the debt upon the principles of the law of 1848 ; which is *a dollar for each dollar we received*, and interest thereon, as provided by law. And we do not for a moment believe that the claims which have not been presented, are any *less* a part of the debt than those which have ; for to do so, would be say that Texas was willing to throw off a part of her just indebtedness by short acts of limitation—in some cases say only about nine months, which your committee cannot for a moment admit, but only look to the limitation as a means used by the Legislature to hasten adjustment ; and to adhere to the bar to these claims, would be to give one class of creditors, and those who are ever watchful, a decided advantage, both as to time and means of information, over a retired and honest portion of our creditors, who would be the principal losers by a failure to make the extension.

We believe it to be the true policy and interest of the State, and the wish of her citizens, to ascertain our debt, that it may be paid out of the first means at our disposal, that the payment of interest and oppressive taxation may, in future, be avoided.

We believe that there will be no time in future at which we can ascertain our debt with as much facility, justice and safety to the State and her creditors, as at present. A knowledge of the origin of our debt, and of the records of our Treasury will not be increased by delay. And unless we pass laws allowing claims of a character different from those heretofore allowed by the Republic or State, from the best data, not exceeding two millions of dollars, including both principle and interest of claims, can ever be presented, should the bill pass ; most of which are doubtless now in the hands of retired citizens ; and we look upon all as equal in merit when the value proposed by our laws shall be assigned them.

We believe that much special legislation both for interest and principal, will be prevented by the passage of the bill, and that the State will the more certainly secure the payment of her debt before her means shall be applied to other and less deserving objects.

We believe that an individual, State, or nation is not justified by any consideration, other than *necessity*, in releasing the obligations of just indebtedness in any other manner than by *payment* ; and to do so is to avoid the impulses of nature and the injunctions, " whatsoever ye would that others should do unto

you, do ye even so unto them ;" "deal justly ;" "owe no man anything." And a majority of your committee believing that no such necessity exists in Texas, and adopting the maxim that "to do right is the highest interest of all mankind," have instructed me to report the bill back to the Senate, with two additional sections as amendments, and earnestly recommend its passage.

G. W. HILL, Chairman.

Amendments :

"Sec. 3. That upon the presentation of any claim which the records of the Treasury Department show to be in the hands of the original owner, in whose favor the same may have been audited, it shall be the duty of the Auditor and Comptroller to assign to such claim the value which the original vouchers show to have been paid by the late Republic of Texas ; *provided*, the books of the Stock Commissioner, or other records shall not show the same to have been sold and transferred to others than the original claimant."

"Sec. 4. That any person having lost his evidence of claim against the Republic or State of Texas, the same being a certificate of funded debt, or a certificate issued by the Auditor and Comptroller pursuant to the provisions of said act of the 20th March, 1848, may obtain a duplicate thereof, by filing with the Comptroller, satisfactory evidence that the loss of the same has been advertised for at least three months, in some newspaper published weekly, at the seat of Government, and filing with such evidence an affidavit stating that such claim, so advertised, has been lost, and was at the time of such loss, his or her property : *Provided*, the records or books of the Treasury Department shall show the same to have been issued—to be outstanding, and that it has not been presented by, or paid to any other person ; which duplicate, when so issued, shall have all the validity of the original ; and that this act be in force from and after its passage."

A bill to incorporate the Texas Central Railroad company ; read, and recommitted to the committee on Internal Improvements.

Mr. Eddy, by leave, introduced a bill for the relief of J. B. Thacker of San Augustine county ; read first time, and, on motion of Mr. Eddy, the rule was suspended and bill read second time, and, on motion of Mr. Taylor, referred to the committee on Public Lands.

On motion of Mr. Taylor, the Senate adjourned until to-morrow morning 10 o'clock.